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REMARKS

In view of the following remarks, reconsideration and withdrawal of the rejections set forth in the Office Action of July 22, 2005, are earnestly solicited.

Claims 1—15 remain pending in the application.

Claims 1, 3—4, 6—9, 12—13 and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Spielman et al. (Pub. No. US 2004/0119580 A1). The rejection is respectfully traversed.

Applicants' independent claims call for "a process for decoding said recovered commands according to vehicle configuration information" (Claim 1), "decoding said command according to vehicle configuration information" (Claim 7), or "a processor means for decoding said command signal in accordance with vehicle configuration information" (Claim 8).

Applicants' processor 27 decodes received signals from the fob according to vehicle configuration information 31 (page 6, lines 4—8). If the fob has transmitted a command applicable to the available option content of the vehicle as reflected by the vehicle configuration information, then the receiver will effect the requested action. Otherwise, the receiver will not attempt to reflect the requested function (page 6, lines 9—20).

Such storage or use of vehicle configuration information is simply not disclosed or suggested by the art of record—either expressly or inherently. The Examiner asserts:

> "It is inherent that each vehicle component includes configuration information for correct operation."

This statement is not understood. Applicants' vehicle configuration information specifies vehicle content, and it is not required for proper operation of the vehicle components

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themselves. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flow from the teachings of the applied prior art. "Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). Applicants respectfully submit that the Examiner has failed to provide such a basis.

The Examiner further states:

> "It is inherent that if a command was received from the fob for controlling a vehicle component that did not exist, the command would be ignored...".

Applicants respectfully disagree – the only thing inherent under this circumstance in Spielman et al. is that the Spielman fob must be associated with a particular vehicle, and the fob transmits only commands that match the content of a particular type of vehicle. See Spielman at paragraph 32, page 3. See also, Spielman Fig. 5 which simply does not contemplate not finding a match at block 92. Applicants' use of vehicle configuration information enables Applicants' fob to be used with a variety of vehicle types.

Independent Claims 1, 7 and 8 and their dependant Claims 3—4, 6, 9, 12—13 and 15 are therefore believed to be patentably distinguishable over Spielman et al.

Claims 2 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Spielman et al. The rejection is respectfully traversed.

The Examiner asserts:

> "Further, vehicle contact information could have been stored in such a memory" (emphasis added).

"The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). Additionally, Claims 2 and 11 respectively depend

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from Claims 1 and 8 and are therefore believed in condition for allowance at least for the reasons set forth above with respect to Claims 1 and 8.

Claims 5, 10 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Spielman et al., as applied to the remaining claims, and further in view of Macfarlane (Pub. No. US 2003/0231550 A1). The rejection is respectfully traversed.

Without conceding to correctness of the Examiner's comments over Claims 5, 10 and 14, Claim 5 depends from Claim 1 and Claims 10 and 14 depend from Claim 8. Therefore, Claims 5, 10 and 14 are believed to be in condition for allowance at least for the reasons set forth above with regard to Claims 1 and 8.

Finally, Applicants believe they can establish actual reduction to practice of their invention prior to December 20, 2002, which would remove Spielman et al. as a reference. Enclosed is a copy of a public release brochure which was released to introduction of a vehicle incorporating Applicants' invention prior to December 20, 2002.

Claims 1—15, as originally submitted, are believed to be in condition for allowance, early acknowledgment of which is requested.

Respectfully submitted,

Dated: October 18, 2005 By: _____

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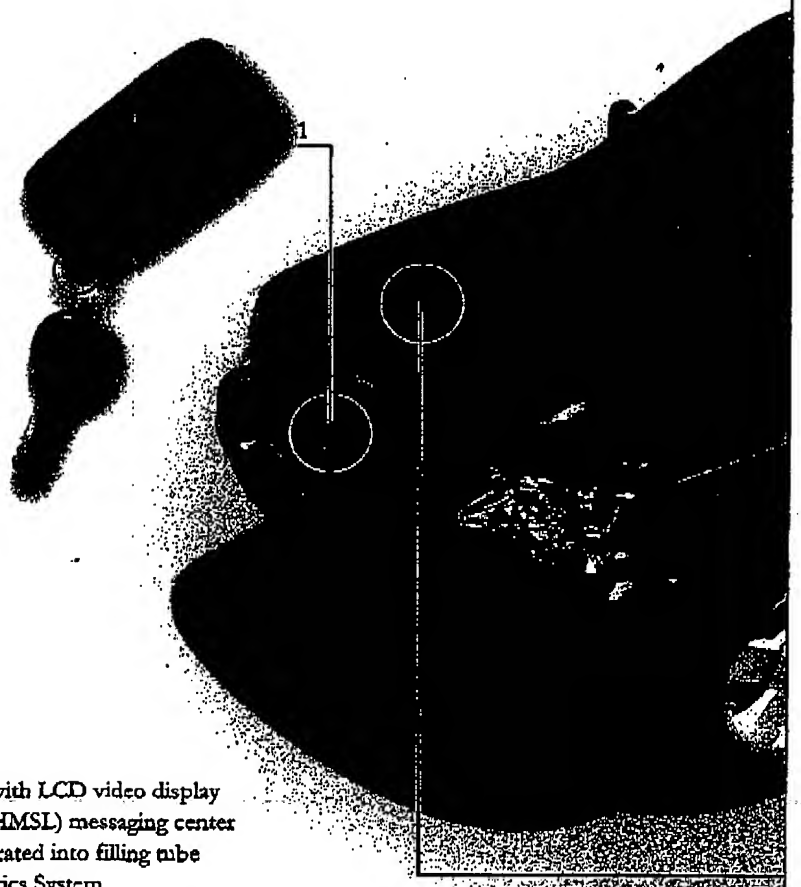
Intelligent Driving Experience

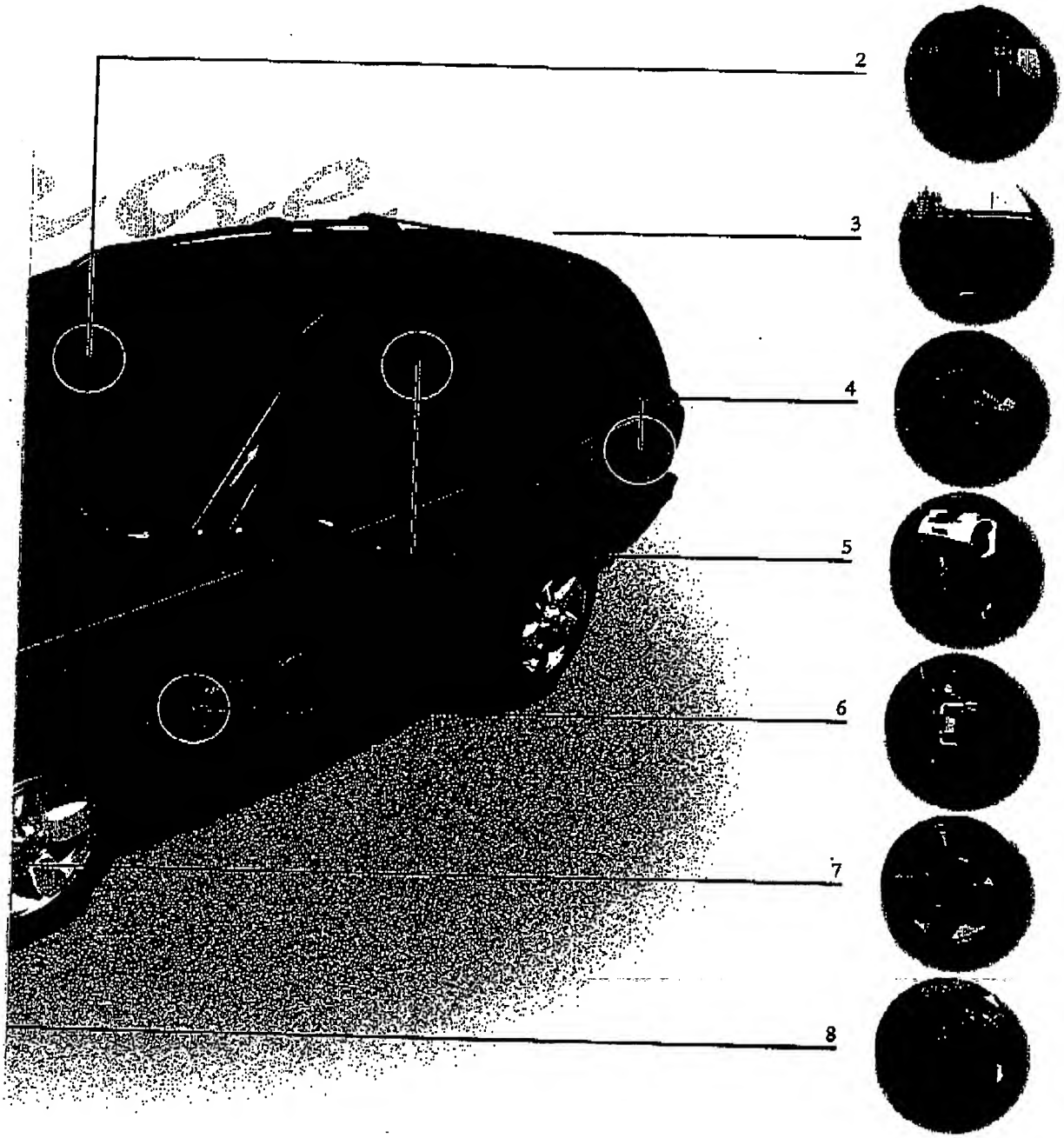
Concierge

Customer Convenience and Safety Features:



Technical Approach:

- 1 - Voice Controlled Key Fob
- 2 - Dual Mode inside rearview mirror with LCD video display
- 3 - Center High Mounted Stoplight (CHMSL) messaging center
- 4 - Capless Fuel Fill Valve cleanly integrated into filling tube
- 5 - Defibrillator integrated into Telematics System
- 6 - Advanced Door Hinge Assembly with multiple doorcheck positions
- 7 - Automatic Tire Pump built into each wheel assembly
- 8 - 12 Volt Belt Driven Stop/Re-Starter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Intelligent Driving Experience

Look Back to the Tradition of the Auto Industry

To explore the idea of an Intelligent Driving Experience, we go back to the roots of the automobile industry.

We examine the days of horse and carriages, looking for foundation values and expectations.

Appreciating the craftsmanship of the beautiful carriages that were custom designed.

The spirited horses were carefully bred and groomed and there was pride of ownership.

Studying the Interface

Carriage driving is an excellent analogy to study the potential interface between car and driver.

Flawless execution is achieved through training and communication.

The horse is intelligent enough to compensate for momentary inattention by the driver.

Focusing on the Passion

The horse and driver trust in the skill and judgment of each other to become a seamless team.

Clearly there is a unique bond in the relationship between the driver, the horses and the carriage.

The horse has a strong need to please the driver and the driver has a natural desire to encourage and care for the horse.

Using this example as a template, we wish to address the nature of today's automobiles. We want automobiles and trucks to meet and anticipate the needs of their owners.

Car that anticipates needs - Just like a Horse

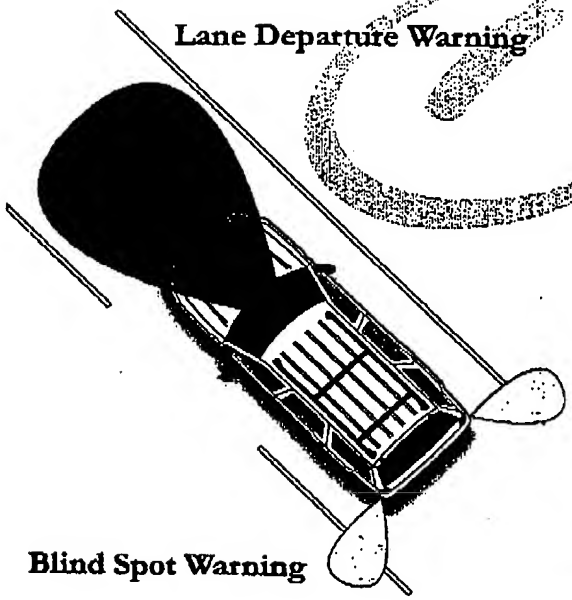
- Smart interaction to minimize driver workload
- Improving user interface and vehicle utility
- User-interface improvements also enhance convenience and comfort

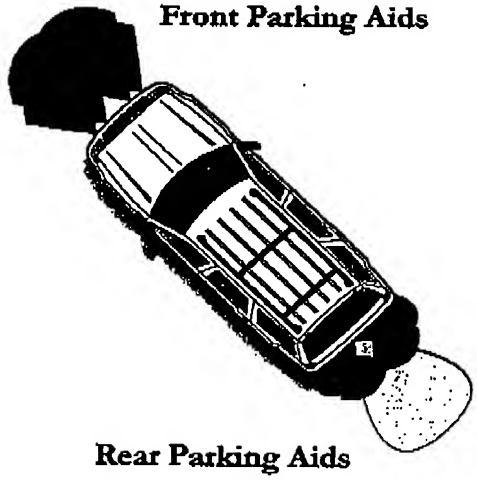
At the Liberty and Technical Affairs advanced technology development group in Auburn Hills, engineers are examining a whole range of different ways of increasing passenger safety through an improved human-machine interface. These features reduce stress and make life easier for the driver and passengers, with the vehicle anticipating needs - as intelligently as a horse - which is intelligent enough to compensate for momentary inattention on the part of the driver. The driver and the horse trust in each other's skill and judgment.

As a leader in innovation in the automotive industry, DaimlerChrysler has a strong vision of "Accident-free Driving". This aims at drastically reducing the number of road fatalities and injuries over the next 15 to 20 years. The company is a pioneer in the development of passive safety solutions. Today, there is great potential in the area of active safety - for example, in the design of human-machine interaction systems.

The Concierge Jeep Grand Cherokee project is part of the ongoing commitment to enhance vehicle safety and is tied in with other "Accident-free Driving" projects. Much of the technology has waterfall for DaimlerChrysler research. It is interesting to see, however, that the technology has been adapted to the needs of the different needs and the environment of the North American market.

The Concierge Grand Cherokee has many very different features - all with the common purpose of increasing safety, utility and ease of use.





DAIMLERCHRYSLER

Concierge Jeep Grand Cherokee

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Panasonic, Marguerite Kleinedler

[illegible] Fuel Re-Filling
[illegible] Global Product Development Center, Ava Sands

[illegible]

Lane Departure Warning / Adaptive Cruise Control
[illegible]

[illegible]

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Delphi Automotive Systems, Todd Mouw

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